

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 27-42 and 46-61 are presently active in this case. The present Amendment amends Claims 35; cancels Claims 43-45 and adds Claims 53-61.

The outstanding Office Action rejected Claims 35-39, and 44-45 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 43-45, and 48-50 were rejected under 35 U.S.C. § 102(e) as anticipated by Pierrat (U.S. Patent Publication No. 2004/0081896). Claims 27-30, 32, 40-42, and 46-47 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mangat et al. (U.S. Patent Publication No. 2003/0039923) in view of Pierrat. Claims 33-34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mangat and Pierrat further in view of Fisch et al. (U.S. Patent No. 6,777,137). Claim 51 was rejected under 35 U.S.C. § 103(a) as unpatentable over Pierrat in view of Liang et al. (U.S. Patent Publication No. 2005/0109278). Claim 51 was rejected under 35 U.S.C. § 103(a) as unpatentable over Pierrat in view of Stewart et al. (U.S. Patent Publication No. 2004/0151991). Claim 52 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mangat and Pierrat further in view of Stewart et al.

Claim 31 was indicated as allowable if rewritten in independent form. Claims 35-39 were indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph.

Applicant acknowledges with appreciation the indication of allowable subject matter. In response, allowable Claim 31 is rewritten in independent form as new Claim 53. New dependent Claims 54-56 depend from Claim 53 and correspond to Claims 47, 49-50. Further, allowable Claim 35 is rewritten in independent form as new Claim 57. New dependent

Claims 58-59 depend from Claim 57 and correspond to Claims 49-50. Therefore, Claims 53-59 are believed to be allowable.

In order to vary the scope of protection recited in the claims, new dependent Claims 60-61 are added. New Claims 60-61 find non-limiting support in the disclosure as originally filed, for example in the figures and at page 4, lines 13-15; from page 19, line 26 to page 20, line 3. Therefore, the changes to the claims are not believed to raise a question of new matter.¹

In response to the rejection under 35 U.S.C. § 112, second paragraph, Claim 35 is amended to correct the noted informalities and Claim 44 being cancelled, its rejection is moot. In view of amended Claim 35, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

In response to the rejections under 35 U.S.C. § 102(e) of Claims 43-45, Applicant respectfully traverses the rejections. However, in the spirit of moving prosecution forward for the present application, Claims 43-45 are canceled so that the rejections are now moot. Applicant reserves the right to present Claims 43-45, or similar claims, in a continuation application and to address any traversed issues in such application.

In response to the rejections of Claims 27-42 and 46-52 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of these rejections and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in independent Claim 27, relates to a correction method for correction of an erroneous design made in a first thin layer

¹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

including at least one first engraved sub-layer including the erroneous design and at least one second sub-layer located between a substrate and the first sub-layer. The method includes several steps: a) depositing a second thin layer on the first thin layer; b) engraving or lithography of the second thin layer, as a function of a desired correction or corrections; and c) etching the second sub-layer through the first sub-layer.

Turning now to the prior art applied for rejecting Claim 27, the Mangat et al. publication discloses a method of forming a pattern on a semiconductor wafer. As shown in FIG. 5, a patterned repairable layer 55 is formed on layer 40. The patterned repairable layer 55 is inspected and compared to a desired pattern to determine if any portions of the patterned repairable layer 55 are undesirably added or missing. If any defects are found, the patterned repairable layer 55 is repaired by either removing portions of the patterned repairable layer 55 or adding a metal 70, such as tantalum, tungsten, platinum, or the like, using a focused ion beam (FIB) to match the desired pattern and result in the patterned repaired layer. The patterned repaired layer includes the patterned repairable layer 55 after repair and the metal 70, if added. See paragraph [0021].

The Office Action rejects Claim 27 based on the proposition that the Mangat et al. publication discloses “depositing a second thin layer (70) on the first thin layer (55).” See Office Action page 4. Applicant respectfully disagrees because metal 70 is not a thin layer, and it is not deposited on layer 55. Instead, metal 70 is formed on layer 40. Thus, the Mangat et al. publication fails to disclose the claimed step of depositing a second thin layer on a first thin layer in which is made an erroneous design, as required by Claim 27.

In addition, the Office Action acknowledges that the Mangat et al. publication fails to disclose the claimed step of etching the second sub-layer through the first sub-layer. The Office Action turns to Pierrat for this limitation. Applicant respectfully disagrees because the

Pierrat publication fails to disclose a step of etching a second sub-layer through a first sub-layer that includes an erroneous design, as required by Claim 27.

All claim limitations must be considered.² Therefore, even if the combination of the Mangat et al. and Pierrat publications is assumed to be proper, the combination fails to disclose the claimed invention. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these publications.

The other references of record do not remedy the above deficiencies of the combination of the Mangat et al. and Pierrat publications. Therefore, Claim 27 and all claims dependent therefrom are believed to be non-obvious over the prior art. In addition, the prior art, individually or in combination, fails to disclose a number of the limitations required by the dependent claims in combination with the features of independent Claim 27. For example, the prior art fails to disclose or render obvious the features of new Claims 60-61.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 27-42 and 46-61 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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² See MPEP 2143.03